

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COMPASS-CHARLOTTE 1031, LLC,

Plaintiff,

Case No.: 1:24-cv-55 (MAD/DJS)

-against-

PRIME CAPITAL VENTURES, LLC
BERONE CAPITAL FUND, LP
BERONE CAPITAL PARTNERS LLC
BERONE CAPITAL LLC
BERONE CAPITAL EQUITY FUND I, LP
405 MOTORSPORTS LLC f/k/a Berone Capital Equity
Partners LLC

Defendants.

PAUL A. LEVINE, AS RECEIVER OF PRIME CAPITAL
VENTURES, LLC,

Third-Party Plaintiff,

-against-

KRIS D. ROGLIERI, TINA M. ROGLIERI, KIMBERLY A.
HUMPHREY a/k/a KIMMY HUMPHREY, PRIME
COMMERCIAL LENDING, LLC, COMMERCIAL
CAPITAL TRAINING GROUP, THE FINANCE
MARKETING GROUP, NATIONAL ALLIANCE OF
COMMERCIAL LOAN BROKERS LLC and FUPME,
LLC,

Third-Party Defendants,

**PERMANENT RECEIVER'S REPLY DECLARATION RESPONDING TO MATTERS
SET FORTH IN THIRD-PARTY DEFENDANTS' MEMORANUM OF LAW
REGARDING MOTION FOR ANTI-LITIGATION INJUNCTION**

Paul A. Levine, Esq., Permanent Receiver (the "Receiver") of the Defendants Prime
Capital Ventures, LLC ("Prime"), Berone Capital Fund, LP, Berone Capital Partner, LLC, Berone

Capital LLC, Berone Capital Equity Fund I, LP, 405 Motorsports LLC f/k/a Berone Capital Equity Partners, LLC , declares under pain and penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

1. I submit this short declaration to respond to a particular matter that is represented to the Court in the Hogan Lovells US LLP letter to the Receiver dated February 13, 2024 which is attached at Doc. 129-1.
2. The information in the letter is not sworn to by any party with personal knowledge.
3. When the Receiver met with Mr. Roglieri and his counsel on January 16th, he was advised that the company had a new accountant, a Steve “Hutchington” in Virginia. Doc. 37, ¶23. Now the letter filed with the Court states that the accountant for Prime is Chris Sardone who will be preparing tax returns and financial statements. See letter attached as Doc. 129-2 at ¶s 5, 9 and 10.
4. The Receiver spoke with Mr. Sardone earlier today at approximately 1:10 p.m. and, as of today, he had not been asked to do that work and has not done work for Prime Capital Ventures LLC. He also stated that “Kris” is always “years” behind in tax filings.
5. It appears that as of today Prime has no accountant preparing financial statements or tax returns despite being formed in late 2021 and having taken and dissipated many tens of millions of dollars from many parties over the approximately two (2) years of its existence.

Dated: February 14, 2024

Respectfully submitted,



Paul A. Levine, Esq.